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17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **SAN FRANCISCO DIVISION**

20 MARC OPPERMAN, et al.,
 21 Plaintiffs,
 22
 23 v.
 24 PATH, INC., et al.
 25 Defendants.

Case No. 13-cv-00453-JST

CLASS ACTION

**JOINT STIPULATION AND [~~PROPOSED~~]
 ORDER TO EXTEND DEADLINE TO
 RESPOND TO DEFENDANT APPLE INC.'S
 MOTION FOR PARTIAL SUMMARY
 JUDGMENT**

Date: September 22, 2016
 Time: 2:00 p.m.
 Judge: Honorable Jon S. Tigar

1 Pursuant to Civil L.R. 6-1 and 6-2, Plaintiffs Opperman, et al. (“Plaintiffs”) and
2 Defendant Apple, Inc., (“Defendant”) through their respective counsel, have stipulated to request
3 an Order extending the deadline for Plaintiffs to respond to Apple’s Motion for Partial Summary
4 Judgment from the July 29, 2016 deadline to August 29, 2016, and to extend Apple’s deadline to
5 file its Reply Brief in Support of Apple’s Motion for Partial Summary Judgment from the August
6 26, 2016 deadline to September 26, 2016, based on the following recitals.

7 WHEREAS, on June 15, 2016, the Court ordered that Defendant’s MSJ be filed on July
8 29, 2016, and Plaintiffs’ reply brief be filed on August 26, 2016, and set a hearing date and time
9 of September 22, 2016 at 2 p.m. (Dkt. No. 739.);

10 WHEREAS, Plaintiffs and Defendant are continuing to meet and confer regarding
11 outstanding discovery disputes Plaintiffs consider to be related to Plaintiffs’ Opposition to
12 Apple’s Motion for Partial Summary Judgment, including the scheduling of depositions of
13 Defendant’s employees and the topics for deposition under Federal Rule of Civil Procedure
14 30(b)(6);

15 WHEREAS, Plaintiffs and Defendant have agreed, subject to Court approval, that the
16 deadlines for Plaintiffs’ Opposition should be extended so that the parties can resolve the above-
17 mentioned disputes, Plaintiffs can complete their depositions, and complete their Opposition;

18 WHEREAS, Plaintiffs and Defendant hope to promptly resolve the above-mentioned
19 disputes;

20 WHEREAS, Plaintiffs and Defendant request to continue the date on which Plaintiffs’
21 Opposition is due by 30 days from July 29, 2016 to August 29, 2016, and to continue the date on
22 which Defendant’s Reply is due by 30 days from August 26, 2016 to September 26, 2016;

23 WHEREAS, Plaintiffs and Defendant request that the Court continue the hearing on
24 Defendant’s motion for partial summary judgment from September 22, 2016 to October 20,
25 2016, or such other date convenient for the Court;

26 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiffs and Defendant
27 to request that the Court extend the briefing schedule as follows:

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EVENT

DEADLINE

Plaintiffs' Opposition

August 29, 2016

Apple's Reply

September 26, 2016

Hearing on Apple's Motion

October 20, 2016 (or such other date
convenient for the court)

Dated: July 28, 2016

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Dated: July 28, 2016

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[PROPOSED] ORDER

Pursuant to the stipulation of the parties and good cause appearing, the stipulation between Plaintiffs and Defendant Apple, Inc. (“Apple”) is granted, as follows:

The deadline for Plaintiffs to file a response to Apple’s Motion for Partial Summary Judgment is now August 29, 2016, and the deadline for Apple’s Reply Brief to the Plaintiffs’ response is now September 26, 2016.

EVENT	DEADLINE
Plaintiffs’ Opposition	August 29, 2016
Apple’s Reply	September 26, 2016
Hearing on Apple’s Motion	<u>November 3, 2016</u>

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: July 28, 2016



 HON. JOHN S. TIGAR
 UNITED STATES DISTRICT COURT JUDGE

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ATTESTATION

I attest that concurrence in the filing of this document has been obtained from the other signatories listed above.

Dated: July 28, 2016

KERR & WAGSTAFFE LLP

By: /s/ Frank Busch
Frank Busch